

Permitting & Assistance Branch Staff Report
Revised Solid Waste Facilities Permit for the
Loyalton Landfill
SWIS No. 46-AA-0001
November 22, 2016

Background Information, Analysis, and Findings:

This report was developed in response to the Sierra County Environmental Health Department Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for the Loyalton Landfill, SWIS No. 46-AA-0001, located on Garbage Pit Road, one mile southeast of the City of Loyalton in eastern Sierra County and owned by the County of Sierra and operated by the Department of Public Works. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was received on October 3, 2016. Action must be taken on this permit no later than December 2, 2016. If no action is taken by December 2, 2016, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

Proposed Changes

The following changes to the first page of the permit are being proposed:

	Current Permit (July 3, 2000)	Proposed Permit
Proposed Facility Acreage	27.58	64.45
Design Capacity (cubic yards)	744,000	438,000
Maximum Elevation (feet mean sea level)	5080	5092
Estimated Closure Year	2043	2017

Key Issues:

The proposed permit will allow for the following:

1. Increase in the total permitted acreage of the facility, from 27.58 acres to 64.45 acres.

2. Decrease in the permitted disposal area from 21 acres to 10.5 acres.
3. An increase in permitted maximum elevation from 5080 feet above mean sea level (MSL) to 5092 feet MSL,
4. A decrease in the design capacity from 744,000 cubic yards to 438,000 cubic yards,
5. A decrease to the estimated closure year from 2043 to 2017.

Background

The County of Sierra owns and operates the existing Loyalton Landfill located one mile east of the City of Loyalton, California. The landfill commenced operation in 1977 and is the only operating landfill within Sierra County and serves as the primary disposal facility for waste generated within the county.

Findings:

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal cover letter dated October 5, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on July 30, 2012. The changes identified in the review are reflected in this permit revision.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on October 3, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on October 5, 2016, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
	Compliance Unit found the facility is identified in the <i>Countywide Siting Element</i> , as described in the memorandum dated November 15, 2016.	
21685(b)(5) Preliminary or Final Closure/ Postclosure Maintenance Plans consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Facility Engineering Unit have found that the Final Closure/ Postclosure Maintenance Plans dated March, 2016, are consistent with State Minimum Standards as indicated in their memo dated October 20, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	Engineering Support Branch staff in the Closure and Facility Engineering Unit have found the written estimate to cover the cost of known or reasonable foreseeable corrective action is approved as described in their memorandum dated December 5, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(A) Financial Assurances	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances for closure, postclosure and corrective action in compliance as described in their memorandum dated November 15, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(B) Operating Liability Insurance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their memorandum dated November 15, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on August 12, 2016. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on October 5, 2016, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21650(g)(5) Public Notice and/or Meeting, Comments	A Public Informational Meeting was held by the LEA on June 21, 2016. No written or oral comments were received by the LEA or Department staff.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record must be supported by the issuance of a Notice of Exemption to be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on August 12, 2016, and found that the facility is in violation of an ongoing state minimum standard 27CCR, Section 20921 Gas Monitoring and Controls.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2016 – (January - September) –Eight violations of 27 CCR Section 20921 – Gas Monitoring and Control.
- 2015 - Twelve violations of 27 CCR Section 20921 – Gas Monitoring and Control.
- 2014 - Twelve violations of 27 CCR Section 20921 – Gas Monitoring and Control and One violation of 27 CCR Section 20937 – Reporting and Control of Excessive Gas Concentration.
- 2013 - Twelve violations of 27 CCR Section 20921 – Gas Monitoring and Control.
- 2012 - Twelve violations of 27 CCR Section 20921 – Gas Monitoring and Control, two violations of 27 CCR Section 20937 – Reporting and Control of Excessive Gas Concentration, One violation of Title 27 CCR 21640 - Full Permit Review and One violation of Title 27CCR 21780- Closure Plan.
- 2011 (October - December)- Three violations of 27 CCR Section 20921 – Gas Monitoring and Control, three violations of 27 CCR Section 20937 – Reporting and Control of Excessive Gas Concentration, Three violations of Title 27 CCR 21640 - Full Permit Review and Three violations of Title 27 CCR 21780- Closure Plan.

The gas monitoring and control violations will be addressed by the issuance of the revised permit, installation of additional LFG monitoring probes, and subsequent analysis of methane gas levels in the probes to show that they are at or below 5%.

Loyalton Landfill was placed on the Inventory of Solid Waste Facilities on January 3, 2012 because of the chronic violations of Title 27 Section 20921. On March 8, 2012, the Sierra County Environmental Health Department issued a Notice and Order (Amended August 2012 and February 2013) requiring the operator to take actions to cease gas migration at the landfill boundary by January 1, 2013.

The compliance deadline has extended four times and the most recent compliance deadline was October 31, 2016. From the LEA's Monthly progress report dated November 15, 2016:

Subsequent to the award of the perimeter well installation contract to Cascade Drilling, Sierra County coordinated a start date of October 31, 2016, which was the soonest that the driller could start. In recognition that the start date delay would extend the completion date for well completion past the October 31, 2016 deadline, the County on October 28, 2016 submitted a request for an extension until the end of November 2016.

For the purpose of CalRecycle's determination to concur on or to object to a proposed permit for a facility that has landfill decomposition gases exceeding the compliance levels in Title 27 Section 20921, the facility shall be considered to be consistent with State Minimum Standards specified in Section 20921 if all of the following requirements have been satisfied with respect to the facility:

1. The operator has delivered all notices to the LEA and owner as required pursuant to Sections 20919, 20919.5 and 20937. *Status: The Sierra County LEA, has received the applicable notices.*
2. The EA shall have forwarded to CalRecycle all notifications received. *Status: CalRecycle has received the applicable notices.*
3. Landfill gas monitoring has been and is being conducted at least monthly. *Status: The Sierra County LEA has conducted monthly monitoring since October 2010, when elevated concentrations of methane were detected in one of the gas monitoring wells.*
4. The EA has determined that landfill decomposition gas generated by the facility does not constitute an imminent and substantial threat to public health and safety or the environment. *Status: The Sierra County LEA made the finding in the Notice and Order dated March 8, 2012.*
5. The EA has determined that to come into compliance it will take the operator longer than 90 days due to the time it takes to plan and

implement appropriate corrective measures. *Status: The Sierra County LEA made the finding in the Notice and Order dated March 8, 2012.*

6. The facility is operating under an enforcement order issued to the operator that meets all the requirements. *Status: The Sierra County LEA made the finding in the Notice and Order dated March 2012 and an Amended Notice and Orders dated August 2012 and February 2013. The Operator has requested to extend the final compliance date to the end of November, 2016.*
7. The LEA has reviewed and approved and CalRecycle has reviewed all investigation reports or results, proposed work plans, or proposed gas mitigation measures. *Status: The operator has submitted Monthly status reports to the LEA, and the LEA has submitted those reports to CalRecycle. The last report received was for the month of September 2016.*
8. The operator is in compliance with the approved gas mitigation measures or work plans approved by the LEA and specified in the enforcement order. *Status: The operator is in compliance with the remediation plan and there has been no need to enforce the notice and order requirements through the implementation of penalties.*
9. For facilities that propose a facility property boundary expansion, a footprint expansion, or any other increase in facility capacity as part of the permit application, investigations or analyses respecting landfill decomposition gases at the facility must have been conducted by the operator prior to the submittal of the permit application to the EA. *Status: A Passive Landfill Gas Well Pilot Study Proposal for the Loyalton Landfill was prepared by Avalex Inc. on January 8, 2016. The study included an investigation and analysis of landfill decomposition gases at the facility.*

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must make a determination as to whether this revised SWFP is categorically or statutorily exempt or additional CEQA analysis is necessary.

The Sierra County Planning Department filed a Notice of Exemption on March 23, 2016, in order to allow for the expansion of the landfill compliance boundary and incorporation of re-design of landfill to stay within confines of the existing landfilled footprint; and, included continued monitoring of existing methane gas monitoring wells and installation of five additional methane gas monitoring wells along the perimeter of the compliance boundary.

The LEA, in their proposed permit submittal cover letter dated October 5, 2016, made a finding that the proposed solid waste facilities permit is consistent with and supported by existing CEQA analysis.

Department staff conducted a preliminary review to determine whether a Categorical Exemption is adequate for the Department's concurrence on this revised SWFP. Department staff reviewed the two significant changes requested by the operator for this permit revision:

1. Increase in the total permitted acreage of the facility, from 27.58 acres to 64.45 acres.
2. An increase in permitted maximum elevation from 5080 feet above mean sea level (MSL) to 5092 feet MSL

Since the proposed increase in facility acreage will not affect the current footprint of waste and will apply to newly acquired buffer land only and the increase in maximum permitted elevation reflects the existing high point of the facility plus a proposed five additional feet of final cover, staff has made the determination that a Categorical Exemption, 14 CCR, Section 15301 – Existing Facilities is adequate for the Department's concurrence of this revised SWFP. Staff's finding is based on the premise that there is "negligible or no expansion of use beyond that existing at the time of the lead agency's determination."

Staff recommends that the Department, acting as a Responsible Agency under CEQA, prepare a Notice of Exemption, based on the Categorical Exemption for existing facilities, to be filed with the State Clearinghouse after the Department's concurrence of the revised SWFP in that the proposed permit is to be issued to an existing facility that will not expand or significantly change its operations beyond that existing. Further, there are no grounds under CEQA for the Department to prepare an environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP.

Department staff further recommends the Categorical Exemption is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and authority, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the Notice of Exemption, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Ryan Egli, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. The LEA held a public informational meeting on Tuesday, June 21, 2016, at the Loyalton Social Hall in the City of Loyalton. No members of the public were in attendance. No written comments were received by the LEA or Department staff.

Department staff provided opportunities for public comment during the CalRecycle Monthly Public Meetings on October 18, 2016 and November 15, 2016.